

Calendar No. 164

116TH CONGRESS
1ST SESSION

S. 918

[Report No. 116–66]

To prohibit the President or a Federal agency from constructing, operating, or offering wholesale or retail services on broadband networks without authorization from Congress, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 27, 2019

Mr. CRUZ (for himself and Ms. CORTEZ MASTO) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

JULY 25, 2019

Reported by Mr. WICKER, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To prohibit the President or a Federal agency from constructing, operating, or offering wholesale or retail services on broadband networks without authorization from Congress, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Eliminate From Regu-
3 lators Opportunities to Nationalize The Internet in Every
4 Respect Act” or the “E-FRONTIER Act”.

5 **SEC. 2. PROHIBITION AGAINST THE PRESIDENT OR A FED-**
6 **ERAL AGENCY CONSTRUCTING, OPERATING,**
7 **OR OFFERING SERVICES ON BROADBAND**
8 **NETWORKS.**

9 (a) DEFINITIONS.—In this section—

10 (1) the term “agency” has the meaning given
11 the term in section 902 of title 5, United States
12 Code;

13 (2) the term “broadband network”—

14 (A) means a communications network, the
15 primary purpose of which is to provide con-
16 sumers with the capability to transmit data to
17 and receive data from all or substantially all
18 internet endpoints; and

19 (B) includes a next-generation mobile
20 broadband network;

21 (3) the term “nationwide public safety
22 broadband network” has the meaning given the term
23 in section 6001 of the Middle Class Tax Relief and
24 Job Creation Act of 2012 (47 U.S.C. 1401); and

25 (4) the term “President” means the President
26 of the United States.

1 (b) PROHIBITION.—Neither the President nor an
 2 agency may construct, operate, or offer wholesale or retail
 3 service on a broadband network unless a duly enacted Act
 4 of Congress signed into law by the President provides the
 5 President or the agency, as applicable, with that authority.

6 (c) RULES OF CONSTRUCTION.—Nothing in this sec-
 7 tion may be construed to—

8 (1) limit, restrict, or circumvent in any way—

9 (A) the implementation of the nationwide
 10 public safety broadband network; or

11 (B) any rules implementing the nationwide
 12 public safety broadband network under title VI
 13 of the Middle Class Tax Relief and Job Cre-
 14 ation Act of 2012 (47 U.S.C. 1401 et seq.);

15 (2) affect the authority of the President under
 16 section 706 of the Communications Act of 1934 (47
 17 U.S.C. 606); ~~or~~

18 (3) prevent—

19 (A) an agency from providing another
 20 agency with access to a broadband network; or

21 (B) a private entity from obtaining access
 22 to a broadband network at a facility that is
 23 owned or operated by the Federal Government
 24 if that entity is under a contract to provide
 25 services at that facility; *or*

(4) *affect the authority of the Federal Communications Commission under the Communications Act of 1934 (47 U.S.C. 151 et seq.).*

**SEC. 3. REPORT ON VULNERABILITIES OF UNITED STATES
BROADBAND NETWORKS.**

(a) DEFINITIONS.—In this section—

(1) the term “appropriate committees of Congress” means—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Armed Services of the Senate;

(C) the Select Committee on Intelligence of the Senate;

(D) the Committee on Energy and Commerce of the House of Representatives;

(E) the Committee on Armed Services of the House of Representatives; and

(F) the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the term “broadband network” has the meaning given the term in section 2(a).

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the

1 United States shall conduct a study and submit to the ap-
2 propriate committees of Congress a report, which shall in-
3 clude—

4 (1) a discussion and analysis of—

5 (A) potential threats facing broadband net-
6 works in the United States from—

7 (i) the Government of the People’s
8 Republic of China;

9 (ii) the Government of Iran;

10 (iii) the Government of the Russian
11 Federation; and

12 (iv) any other potential foreign adver-
13 sary of the United States; and

14 (B) the risks associated with using foreign
15 equipment and services in broadband networks
16 in the United States; and

17 (2) recommendations, if any, regarding how
18 service providers with respect to broadband networks
19 in the United States can reduce the vulnerabilities of
20 those networks to foreign threats.

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